

JS-6

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

RANDY EUGENE HAYNES,
Plaintiff,
v.
HOLM, et al,
Defendants.

Case No. ED CV 23-914 PA (MRW)
ORDER DISMISSING ACTION
FRCP 41

The Court dismisses this action due to the failure of a pro se litigant to comply with court orders.

* * *

1. This is a prisoner civil rights action. Plaintiff Haynes formerly was a pretrial detainee in a Riverside County jail. In a complaint filed in May 2023, Plaintiff alleged that he was injured in a fight with other inmates at the jail. Plaintiff sought to sue various members of the jail staff for injuries that he incurred in the fight with the other inmates. (Docket # 1.)

1 Applied Underwriters, Inc. v. Lichtenegger, 913 F.3d 884, 892 (9th Cir.
2 2019).

3 7. Dismissal of a civil action under Rule 41 may be appropriate to
4 advance the public's interest in the expeditious resolution of litigation, the
5 court's need to manage its docket, and to avoid the risk of prejudice to
6 defendants. Omstead v. Dell, Inc., 594 F. 3d 1081, 1084 (9th Cir. 2010).
7 Additionally, a court should consider the public policy favoring disposition
8 of cases on their merits and the availability of less drastic alternatives in
9 its evaluation. Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988).


10 8. In the present action, the Court concludes that dismissal of the
11 action is appropriate. Plaintiff failed to file an amended complaint in
12 response to the Court's screening order. Plaintiff also failed to respond to
13 the Court's order to show cause why the case should not be dismissed.
14 Plaintiff's failure to file any response to the Court's orders demonstrates
15 Plaintiff's lack of interest in advancing the action here.

16 9. By contrast, the Court, the defense, and the public have a
17 strong interest in terminating this action. This is particularly true given
18 that Plaintiff effectively chose not to pursue his case by failing to comply
19 with the Court's screening order. Furthermore, because Plaintiff is a
20 pro se litigant who has not advanced the action, no sanction short of
21 dismissal will be effective in moving this case forward. Carey, 856 F.2d
22 at 1440. The Court concludes that dismissal is appropriate under
23 Rule 41(b). Applied Underwriters, 913 F.3d at 892.


1 10. Dismissal under Rule 41(b) ordinarily “operates as an
2 adjudication on the merits” of a claim. Therefore, the action is dismissed
3 with prejudice.

4 IT IS SO ORDERED.

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7 Dated: November 1, 2023


PERCY ANDERSON
UNITED STATES DISTRICT JUDGE

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9 Presented by:

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12 HON. MICHAEL R. WILNER
13 UNITED STATES MAGISTRATE JUDGE
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